

1 RYAN S. BENYAMIN, State Bar No. 322594  
2 WILSON SONSINI GOODRICH & ROSATI  
3 Professional Corporation  
4 633 West Fifth Street, Suite 1550  
5 Los Angeles, California 90071  
6 Telephone: (323) 210-2900  
7 Facsimile: (866) 974-7329  
8 Email: rbenyamin@wsgr.com

9 JASON B. MOLICK (*pro hac vice* forthcoming)  
10 WILSON SONSINI GOODRICH & ROSATI  
11 Professional Corporation  
12 1301 Avenue of the Americas, 40th Floor  
13 New York, New York 10019  
14 Telephone: (212) 999-5800  
15 Facsimile: (212) 999-5899  
16 Email: jmollick@wsgr.com

17 *Counsel for Defendant Alphabet Inc.*

18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 DAVID A. STEBBINS, ) CASE NO.: 4:21-cv-04184-JSW  
21 )  
22 Plaintiff, ) **DECLARATION OF RYAN S.**  
23 ) **BENYAMIN IN SUPPORT OF**  
24 v. ) **STIPULATED REQUEST TO**  
25 ) **CONTINUE INITIAL CASE**  
26 KARL POLANO et al., ) **MANAGEMENT CONFERENCE**  
27 ) **PURSUANT TO LOCAL RULE 6-2**  
28 Defendants. )  
\_\_\_\_\_

1 I, RYAN S. BENYAMIN, declare as follows:

2       1. I am an attorney with the law firm of Wilson Sonsini Goodrich & Rosati, P.C.,  
3 counsel for Defendant Alphabet Inc. (“Alphabet”). I have personal knowledge of the facts set  
4 forth below and, if called as a witness, could testify to them.

5       2.      We have conferred with Plaintiff David A. Stebbins (“Plaintiff”) and Defendants  
6 Discord, Inc. (“Discord”), Facebook, Inc. (“Facebook”), and Amazon.com, Inc. (“Amazon”). The  
7 parties request continuance of the initial CMC because defendants Karl Polano, Frederick Allison,  
8 and Raul Mateas (together, the “Individual Defendants”) – each of whom are alleged to be the  
9 primary infringers of the work at issue in this case – have not yet been served and have not yet  
10 appeared in this action. In addition, Plaintiff has filed a motion for leave to file a Third Amended  
11 Complaint which proposes to add a number of additional Defendants, who also have not been  
12 served. *See* Dkt. 71. Accordingly, the parties agree that an initial CMC would be most productive  
13 once all Defendants have been served and have appeared.<sup>1</sup>

14       3.     This matter was reassigned to the Honorable Jeffrey S. White on August 2, 2021.  
15 Dkt. 20. The Court thereafter set the Initial Case Management Conference for October 15, 2021  
16 (Dkt. 22), and continued it *sua sponte* to November 19, 2021 (Dkt. 51). Plaintiff has consented to  
17 extensions of time for Defendants Discord (Dkts. 50, 52) and Alphabet (Dkt. 69) to respond to the  
18 complaint.

19           4. The requested continuance will have no effect on other deadlines currently set in  
20 this case.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
22 October 25, 2021 in Los Angeles, California.

s/ Ryan S. Benyamin  
Ryan S. Benyamin

<sup>27</sup> 1 By stipulating to this Request, Amazon did so with the understanding that it reserves all  
28 rights and defenses, including that jurisdiction is proper.